

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ryan Sanabria, :
Plaintiff, : Civil Action No.: 7:22-cv-01578-KMK
v. :
Improved Data Services, LLC, :
Defendant. :
: :
:

**REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT
IMPROVED DATA SERVICES, LLC**

Plaintiff, Ryan Sanabria (hereinafter “Plaintiff”), by and through Plaintiff’s counsel, hereby requests the Clerk of the Court enter default against Defendant Improved Data Services, LLC pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“FRCP”) on the grounds that Defendant has failed to answer this matter’s Complaint and has failed to appear or otherwise defend this action. Declaration of Sergei Lemberg ¶5.

Brendan Little, Esq., as counsel for Defendant, executed a waiver of service on March 21, 2022, as evidenced by the proof of service on file with this Court. *Id.* ¶ 2. On June 7, 2022, Mr. Little advised Plaintiff’s counsel that he will not be appearing for Defendant. *Id.* ¶ 3. The Court has not granted Defendant extension of time to respond to the Complaint. *Id.* ¶ 4. On information and belief, the Defendant is neither an infant nor an incompetent person nor in the military service. *Id.* ¶¶ 6-7.

DATED: June 15, 2022

Respectfully submitted,

By /s/ Sergei Lemberg

Sergei Lemberg, Esq. (SL 6331)
LEMBERG LAW, LLC
43 Danbury Road 3rd Floor
Wilton, CT 06897
Telephone: (203) 653-2250
Facsimile: (203) 653-3424
E-mail: slemburg@lemburglaw.com
Attorneys for Plaintiff

Plaintiff's motion is denied without prejudice. The Clerk of Court is directed to terminate the pending motion. (Dkt. No. 9.)

Plaintiff is instructed to use the appropriate filing event.

SO ORDERED


KENNETH M. KARAS U.S.D.J.

6/30/22

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 15, 2022, a true and correct copy of the foregoing Request for Entry of Default and supporting declaration was served electronically by the U.S. District Court for the Northern District of Texas Electronic Document Filing System (ECF) and that the document is available on the ECF system. A copy of the foregoing was also mailed by first-class mail, postage prepaid to the parties listed below:

Improved Data Services, LLC
81 Woodlawn Avenue
Lancaster, New York 14086

Brendan H. Little, Esq.
Lippes Mathias LLP
50 Fountain Plaza, Suite 1700
Buffalo, NY 14202

/s/ Sergei Lemberg

Sergei Lemberg